




Director's Rule 41-82

Applicant CITY OF SEATTLE DEPARTMENT OF CONSTRUCTION AND LAND USE	Page 1 of 2	Supersedes N/A
	Publication 10-25-82	Effective 11/22/82
	Code and Section Reference SMC 23.45.190 and SMC 23.44.26	
	Type of Ruling Code Interpretation	
Subject Replacement of Portions of Structures Nonconforming as to Lot Coverage	Ordinance Authority SMC 3.02.020	
	Index Zoning - Technical Requirements	Approved  Date 11/16/82

Section 23.44.26 provides in part that:

"Legally established structures existing as of the date of adoption of this Land Use Code which are not in conformance with one or more of the development standards for single family zones shall be prohibited from expanding in any manner which increases the extent of nonconformity, except as otherwise specified in this code or necessary to improve access for the elderly and disabled or to make changes required by law for health or safety."

Section 23.45.190 provides in part that:

"Legally established structures existing as of the date of adoption of this Land Use Code which are not in conformance with one or more of the development standards for the multi-family zone in which located shall be prohibited from expanding in any manner which increases the extent of nonconformity or creates additional nonconformity"

Effective immediately, if a structure is nonconforming with respect to lot coverage, a portion of the structure may be removed and replaced with a new addition in a different location if the following conditions are met:

1. The replacement is contemporaneous with the demolition; and

2. The portion of the structure being replaced conforms to the zoning code provisions which were in effect at the time it was constructed; and
3. The new portion will cover the same amount, or less, of the lot as the portion being replaced; and
4. The new addition conforms to all other development standards.

Reason

Contemporaneous removal and replacement of a portion of a structure which exceeds lot coverage does not increase the amount of nonconformity with respect to lot coverage if the new portion covers no more of the lot than the portion removed. Since such replacement would be permitted if it were in the same location, replacement in a different location should also be permitted.